

P-3007/NA-89-76 ORDER APPROVING INTRALATA EQUAL ACCESS BALLOT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Minnesota  
Independent Equal Access  
Corporation's Application for a  
Certificate of Public  
Convenience and Necessity

ISSUE DATE: October 17, 1991

DOCKET NO. P-3007/NA-89-76

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ACCESS BALLOT

**PROCEDURAL HISTORY**

On March 13, 1991, the Commission issued its ORDER REQUIRING US WEST COMMUNICATIONS, INC. TO APPEAR ON CUSTOMER BALLOTS, REQUIRING PRIOR AUTHORIZATION BEFORE DISCONTINUANCE OF TOLL SERVICE, AND ESTABLISHING A SCHEDULE FOR FURTHER FILINGS, Docket No. P-3007/NA-89-76 (March 13, 1991). In that Order, the Commission required USWC to appear on the intraLATA equal access ballots in participating independent local exchange carrier's (PILEC) exchanges.

On July 30, 1991, the Commission issued its ORDER DENYING STAY AND REQUIRING ALTERNATIVE LANGUAGE ON BALLOTS, denying the request of U S West Communications, Inc. (USWC) to stay the Commission's March 13, 1991 Order.

On September 25, 1991, MIEAC submitted its equal access ballot for the Commission's approval. Subsequently, MIEAC clarified that its ballot would include USWC's 800 number.

On October 9, 1991, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

While the Commission's July 31, 1991 Order denied USWC's request for a stay, it did require that subscribers choosing USWC also indicate a second choice on the ballot for their intraLATA carrier. This requirement assures that if the Appeals Court rules in USWC's favor in its appeal from the Commission's March 13, 1991 Order requiring USWC to appear on the ballot, subscribers could then be presubscribed to their second choice without recourse to a second balloting process.

The Commission's July 30, 1991 Order also required that the Commission approve the ballot language before ballots were issued to subscribers. Ordering Paragraph 2 of the Order states in part:

2. Prior to issuing intraLATA ballots to subscribers in PILECs, the Minnesota Independent Equal Access Corporation (MIEAC) shall submit its intraLATA ballot to the Commission for approval and secure Commission approval of such ballot.

MIEAC proposes that its ballot state "YOU MUST MAKE A SECOND CHOICE IF YOU PICK US WEST. See important notice below." This statement appears in a conspicuous place, next to the selection "US West Communications, Inc.". The "important notice below" to which the ballot reader's attention is directed appears directly below, at the bottom of the intraLATA section of the ballot. MIEAC proposes that the "important notice below" state:

If you select US West you must make a second choice. US West did not choose to be on this ballot and is seeking court authority to have its name removed. If US West obtains court approval you will be assigned to your second choice. Business Office 1-800-879-8683.

No party has objected to MIEAC's proposed ballot language and USWC has agreed to this language. The Commission finds that the ballot meets the requirements of the July 30, 1991 Order and will approve it.

#### ORDER

1. The language on the intraLATA ballot proposed by Minnesota Independent Equal Access Corporation (MIEAC) is approved.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)